

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MILOSLAV MULLER, Pro Se,

Plaintiff,

vs.

No. CIV 09-0500 JB/ACT

MYLES CULBERTSON, DIRECTOR
NEW MEXICO LIVESTOCK BOARD
(AGENCY),

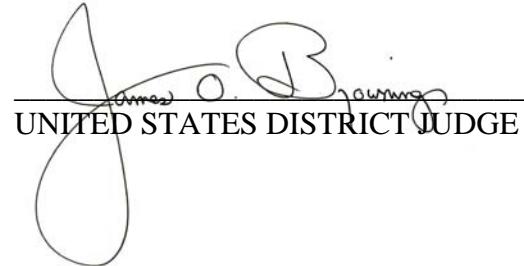
Defendant.

ORDER

THIS MATTER comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition, filed February 23, 2010 (Doc. 22). The Court has reviewed: (i) Plaintiff Miloslav Muller's objections, entitled Plaintiff's Response in Opposition to Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 8, 2010 (Doc. 25); (ii) the Plaintiff's Response in Opposition to Defendant's Notice of Completion of Briefing Regarding Defendant's Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim and Memorandum in Support Thereof, filed March 3, 2010 (Doc. 24); and (iii) the Plaintiff's Response in Opposition to Magistrate Judge's Proposed Findings and Recommended Disposition on Plaintiff's Motion for Leave to File First Amended Complaint, filed May 14, 2010 (Doc. 27). Having considered *de novo* those portions of the Magistrate Judge's Proposed Findings and Recommended Disposition to which Muller objects, as well as the pertinent legal authority, the Court finds that Muller's objections do not have a sound basis in law or in the facts of the case.

IT IS ORDERED that: (i) the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 22) is adopted; (ii) Defendant Myles Culbertson's Motion to Dismiss for Lack of

Subject Matter Jurisdiction and for Failure to State a Claim and Memorandum in Support Thereof, filed September 9, 2009 (Doc. 4) is granted; (iii) Plaintiff Miloslav Muller's federal claims are dismissed with prejudice; and (iv) Muller's state-law defamation claim is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

Parties and counsel:

Miloslav Muller
Rio Rancho, New Mexico

Plaintiff pro se

Richard J. Shane
Riley & Shane, P.A.
Albuquerque, New Mexico

Attorneys for the Defendant